particularly described on Petitioners' Exhibit No. 1. appeared and testified. Also appearing in support of the Petition was John W. Feehley, the immediate neighbor at 2802 First Street. There were no Protestants. Street, consists of 0.17 acres +/- and is zoned D.R.5.5. Presently the property is unimproved, however, the Petitioners desire to construct a single family dwelling thereon. The subject property is a corner lot located adjacent to the intersection of First Street and Cuckold Point

variance of 18 ft.

City and State

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IN RE: PETITION FOR ZONING VARIANCE

Cuckold Point Road

15th Election District

2800 First Street

7th Councilmanic

Petitioners

W/S 1st Street, 15 ft. N of

Walter J. Regulski, et ux

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 92-114-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

(PM) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a

side street setback of 18 ft. in lieu of the required 25 ft., as more

The Petitioners herein request a variance from Section 1802.3.C.2.c

The Petitioners, property owners, Walter J. and Marcella B. Regulski

Testimony indicated that the subject property, known as 2800 First

The Petitioners testified that construction of a reasonably sized

An area variance may be granted where strict application of the

dwelling would prohibit them from strict compliance with the side street

setback of 25 ft. Pursuant to Petitioners' Exhibit No. 1, they seek a

CRITICAL AREA. Petition for Variance

to the Zoning Commissioner of Baltimore County 92-114 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a :B02 3.C.2.c (PM) to permit a side street setback of

18 feet in lieu of the required 25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Strict compliance with the setback requirements would preclude the construction of a reasonably sized dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm,

under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pelition. Legal Owner(s): Contract Purchaser/Lessee: Walter J. Regulski Signature (Signature) (Type or Print Name) Marcella B. Regulski (Type or Print Name) Mileresile B Regulster 7220 Conley Street 285-2881 Baltimore, Maryland 21224 Name, address and phone number of legal owner, contract purchaser or representative to be contacted McKee & Associates, Inc. 527-1955

5 Shawan Road, Hunt Valley, Md 21030 Attorney's Telephone No.: ESTIMATED LENGTH OF HEARING -1/2HR. +1HR. ARCEIVED FOR THE AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS ALL ____OTHER ___ The supplier and an included the supplier of t REVIEWED BY: DATE.

zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unrea-

Baltimore County

County Office Building

111 West Chesapeake Avenue

Varianco

Walter J. Regulation et us

Location of Signer Fouring in torson twon of Control Pt. Rol + At STAND

offrake 20 for roddey on fragerty of fetitioner

Location of property: W/S IST STYDET, 15' N/ Cack, W. IT. Rd.

sonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioners' actions, nor does the request arise from a condition relating to land or building use, either permitted or nonconforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the re-

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following

> 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can

quirements as set forth in Section 500.14 of the B.C.Z.R.

Chesapeake Bay Critical Areas requirements to:

1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

create adverse environmental impacts.

These recommendations shall become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30 day of 65., 1991 that a variance from Section 1B02.3.C.2.c (PM) of the Baltimore County Zoning Regulations (B.C.2.R.) to permit a side street setback of 18 ft. in lieu of the required 25 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

> Zoning Commissioner for Baltimore County

> > S

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CERTIFY, Regulski in

LES/mmn

CERTIFICATE OF PUBLICATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the properly identified herein in Room 118. Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as fol-Case Number: 92-114-A W/S 1st Street, 15' N of Cuckold Point Road 2800 1st Street 15th Election District 7th Councilmanic Petitioner(s):
Walter J. Regulski, et ux
Hearing Date: Monday,
October 28, 1991 at 10:30 Variance: to permit a side street setback of 18 ft. in lieu of the required 25 ft. LAWRENCE E. SCHMIDT Zoning Commissioner of Bellimore County 16/080 October 3.

receipt

04A04#0057hICHRC

Please Make Checks Payable To: Baltimora County

SA 00091364#99-00-01

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on $10 \overline{3}$, $19 \overline{9}$.

THE JEFFERSONIAN,

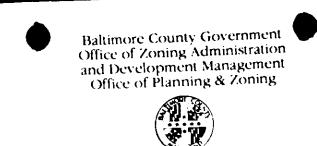
Zoning Commisio County Office Building 111 West Chesapeake Avenu

receipt

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04A04#0096MICHRC BA CO10:21AM10-17-91 Please Make Checks Payable To: Baltimore County

유 PUBLIC/ ATION



111 West Chesapeake Avenue Towson, MD 2120+

DATE: 10. 8-91

887 3353

Walter and Marcella Regulski 7220 Conley Street Raltimore, Maryland 21224

CASE NUMBER: 92-114-A W/S 1st Street, 15' N of Cuckold Point Road 2800 1st Street 15th Election District - 7th Councilmanic Petitioner(s): Walter J. Regulski, et ux HEARING: MONDAY, OCTOBER 28, 1991 at 10:30 a.m.

Please be advised that $\frac{89.33}{}$ is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ZONING COMMISSIONER

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

COPY

887 3353

CEPTEMBER 20, 1991

NOTICE OF HEARING

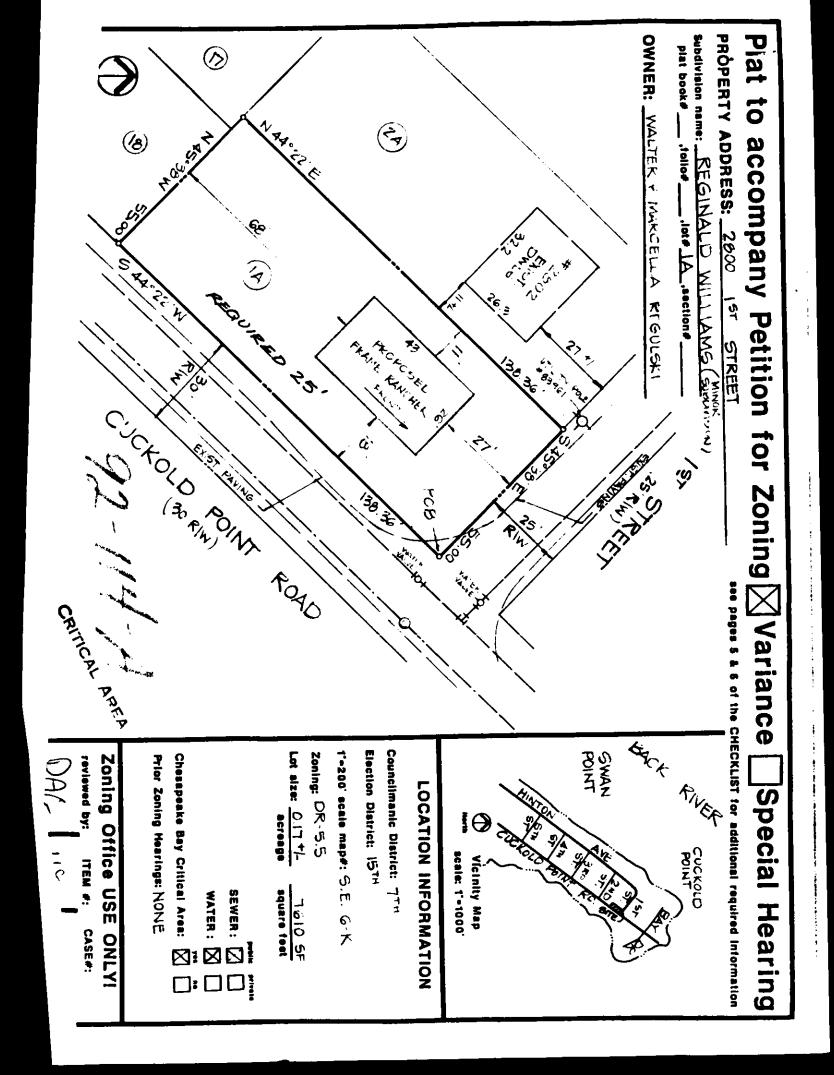
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

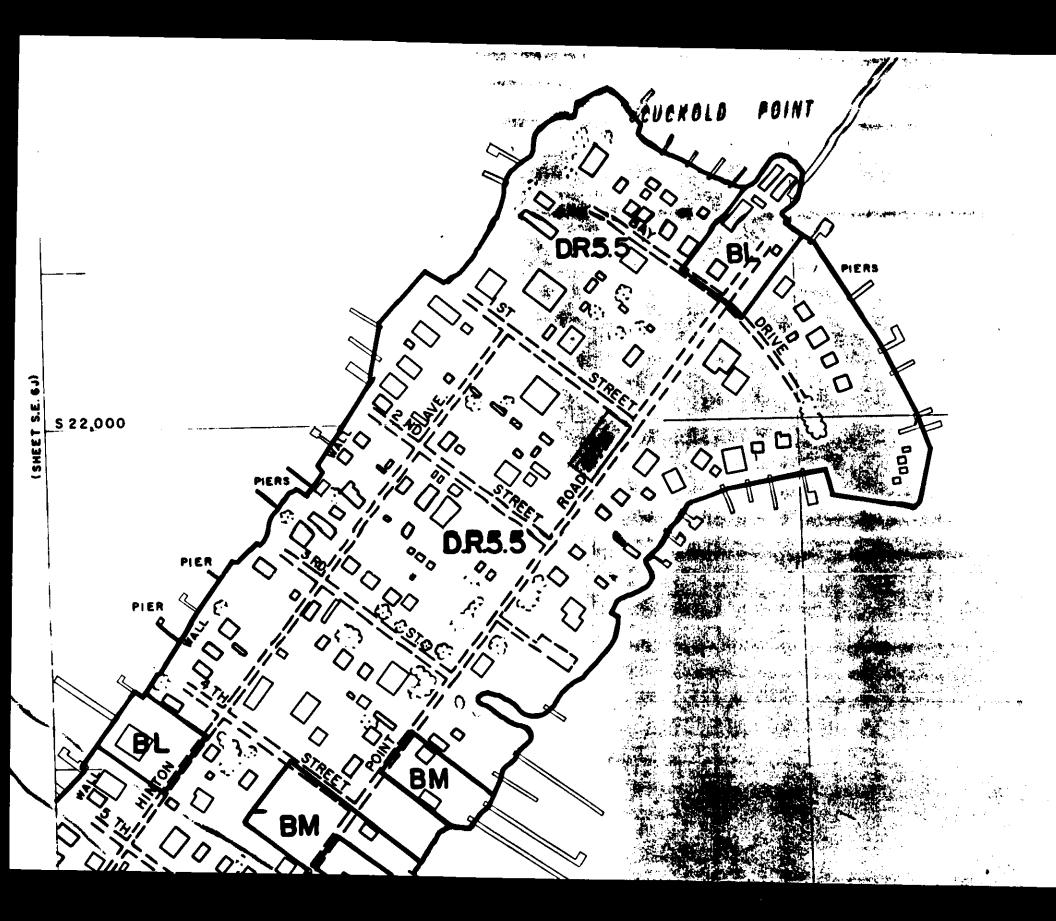
W/S 1st Street, 15' N of Cuckold Point Road 15th Election District - 7th Councilmanic Petitioner(s): Walter J. Regulski, et ux HEARING: MONDAY, OCTOBER 28, 1991 at 10:30 a.m.

Variance to permit a side street setback of 18 ft. in lieu of the required 25 ft.

Baltimore County

cc: Walter and Marcella Regulski McKee & Associates, Inc.





Baltimore County Government Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

October 16, 1991

Mr. & Mrs. Walter J. Regulski 7220 Conley Street Baltimore, MD 21224

RE: Item No. 118, Case No. 92-114-A Petitioner: Walter J. Regulski, et ux Petition for Variance

887-3353

Dear Mr. & Mrs. Regulski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that accorneys who reer char they are capable of fifting perfetons that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committe Coments

Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Enclosures

Page 2

Zoning Plans Advisory Committee

Baltimore County Government Office of Zoning Administration and Development Management

Office of Planning & Zoning

Your petition has been received and accepted for filing this

111 West Chesapeake Avenue

Towson, MD 2120 i

887-3353

Petitioner: Walter J. Regulski, et ux Petitioner's Attorney:

10th day of September, 1991.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 30, 1991 Zoning Administration and

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Regulski Property, Item No. 118

Development Management

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn ITEM118/TXTROZ RUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 10, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

SUBJECT: 2.A.C. Comments

2.A.C. MEETING DATE: September 24, 1991

There are no comments for item numbers 118, 119, 121, 122, 123, 125, 126 and 128.

Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government Fire Department

SEPTEMBER 23, 1991

700 East Joppa Road Suite 901 Towson, MD 21204 5500 (301) 887 4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Paltimore County Office Duilding
Towson, MD 21204

PE: Property Owner: WALTER J. RECULSET

Location: #2800 1ST STREET

Ttem No.: 118 Zoning Agenda: SEPTEMBER 24, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

PEVIEWER: Approved

Planning Croup

Planning Croup

Special Inspection Division

JP/KEK

4 ... (2 .../.

118

A Object of Backing

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

October 29, 1991

Mr. and Mrs. Walter J. Regulski 7220 Conley Street Baltimore, Maryland 21224

> RE: Petition for Zoning Variance Case No. 92-114-A

Dear Mr. and Mrs. Regulski:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt

Zoning Commissioner

LES:mmn cc: Mr. John W. Feehley

NAME

NAME

MAKE ELLAREGULS/CI

WALTER REGULS/CI

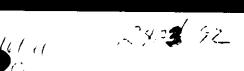
JOHA W. FEEBLEY

DATE OF STREET

BALL 2/224 Free Str

to the second of Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: 2800 15T STREET Subdivision name: REGINALD WILLIAMS (SUBURION) plat book#____,folio#____,lot#_\A_,section#___ OWNER: WALTER & MARCELLA REGULSKI LOCATION INFORMATION Councilmanic District: 7*** Election District: 15TH 1'-200' scale map#: S.E. 6-K Zoning: DR-5.5 Lot size: 0.17 +1- 7610 SF square feet WATER: 🛛 🗌 Prior Zoning Hearings: NONE Zoning Office USE ONLY! ITEM #: CASE#: Scale of Drawing: 1"= 30" prepared by: MCKEE & ACENT INC.

10/28 92-114-A



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration

DATE: November 12, 1991

and Development Management

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 118
Regulski Property

Chesapeake Bay Critical Area Findings

DEC 5 1991

SITE LOCATION

The subject property is located at 800 First Street. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Walter Regulski

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.2.C of the Baltimore County Zoning Regulations to permit "a side street setback of 18 feet in lieu of the required 25 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>